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Mark Albert

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EXAMINER

ROBINSON BOYCE, AKIBA K

ART UNIT

PAPER NUMBER

3639

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/645,139

Applicant(s)

ALBERT ET AL.

Examiner

Akiba K. Robinson-Boyce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-13, 15-19, 21-25 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-13, 15-19, 21-25, and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. Due to communications filed 2/7/06, the following is a final office action. Claims 1, 7, 8, 9, 10, 16 and 22 have been amended. Claims 6, 14, 20 and 26 have been cancelled. Claims 1-5, 7-13, 15-19, 21-25, and 27 are pending in this application and have been examined on the merits. The previous office action has been withdrawn and the new rejection is based on the claims as amended. Claims 1-5, 7-13, 15-19, 21-25, and 27 are rejected as follows.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6, 8 and 10-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Keiser et al (US 6,505,174).

As per claim 1, Keiser et al discloses:

a billing system element operable to receive one or more packets of communication flow, (Col. 25, lines 6-10, shows that transaction charges tracked from logging on the market research tool shown in col. 22, lines 1-3 are stored in the billing

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database for the next billing cycle, in this case the billing database represents the billing system, and the communication flow comes from the user logging into the system), and communicate with a price server, (Col. 21, lines 52-55, shows that the market research tool is implemented in the client server environment over the Internet, w/ col. 23, lines 54-59, which shows that the market research tool is used to obtain price information, in this case, Keiser et al doesn't specifically show a "price server", however, this price server is inherent with Keiser et al's system since prices are being obtained in a client server environment), wherein the price server is operable to receive query from the billing system element associated with pricing parameter relating to data segment to be accessed by an end user associated with the communication flow, (Col. 23, lines 54-59, market research tool performs a query on the price history tracking table), and wherein the price server is operable to return a response the billing system element that includes the pricing parameter relating to the data segment, (Col. 23, lines 59-62, creation of a temporary price answer table), such that the end user can verify the pricing parameter before accessing the data segment, (Col. 24, lines 43-46, the market researcher using the marketing research tool may display or download pricing information); and

A content services gateway coupled to the billing system element and operable to communicate with the billing system element in order to manage distribution of quota provided to the end user, wherein the quota reflects a currency for the end user to apply in accessing the data segment, (Col. 14, lines 45-59, shows the use of the Internet is incorporated into the system, which uses a gateway, w/ col. 24, lines 5-11, using the query to retrieve stop limit orders for all requested securities, therefore, the system is

managing the distribution by only retrieving requested information, where the stop limit order information represents the quota as described in Col. 23, lines 63-67, and the quota is represented by the price being set to a price that a security must obtain before a trade order is filled in a stop limit order).

As per claims 2, 11, 17, 23, Keiser et al discloses:

wherein the price server is further operable to provide selected one of drop and forward action, the forward action resulting in the end user being permitted access to the data segment, and wherein the drop action restricts the end user such that he cannot access the data segment/providing/means for providing/provide a selected one of a drop and a forward action in response to receiving the communication flow, the forward action resulting in the end user being permitted access to the data segment, wherein the drop action restricts the end user such that he cannot access the data segment, (Col. 22, lines 1-5, upon successful login, the user is permitted access to the security information resulting in access to pricing information, in this case Keiser et al does not specifically disclose restricting the end user to access the data segment, however, this limitation is inherent with Keiser et al since login is required. Therefore, if the user does not successfully login, he or she does not have access to information).

As per claims 3, 12, 18, 24, Keiser et al discloses:

wherein the price server is further operable to provide quota allocation the end user on a per-flow basis such that the end user given an amount quota that may substantially satisfy current access request being made the end user/providing/means for providing/provide a quota allocation to the end user on a per-flow bases such that

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the end user is given an amount of quota that may substantially satisfy a current access request being made by the end user, (Col. 23, lines 63-67, where the quota is represented by the price being set to a price that a security must obtain before a trade order is filled in a stop limit order).

As per claims 4, 13, 19, 25, Keiser et al discloses:

wherein the billing system element further operable to communicate with an advice of charge server, the advice of charge server operable receive query from the billing system element and redirect communication flow associated with the end user to webpage that is operable to display one or more financial parameters associated with the data segment to the end user/redirecting/means for redirecting/redirect the communication flow associated with the end user to a webpage that is operable to display one or more financial parameters associated with the data segment to the end user, (Col. 15, lines 4-5, portfolio presented on a Web page).

As per claim 5, Keiser et al discloses:

wherein the webpage includes decision block that allows the end user select whether he would like proceed to access the data segment based on one or more financial parameters, (Col. 22, lines 1-5, the user is given options as to whether or not he or she can download security statistics).

As per claims 8, 15, 21, 27, Keiser et al discloses:

wherein the billing system element further comprises a quota server operable to store quota data for the end user that reflects an allotment of information to be provided to the end user, the quota server being operable to be updated in accordance with

direction provided by the Content Services Gateway/storing/means for storing/store quota data for the end user that reflects an allotment of information to be provided to the end user, (Col. 24, lines 11-15, shows storage in table through the answer table which stores/shows stop limit orders, where quota data is represented by the stop limit order information as disclosed above in claim 3, w/ col. 21, lines 53-55, shows marketing research tool implemented in the client server environment).

As per claims 10, 16, 22, Keiser et al discloses:

Receiving/means for receiving a query associated with pricing parameter relating data segment to be accessed by an end user associated with a communication flow, (Col. 23, lines 54-59, market research tool performs a query on the price history tracking table); and

returning a response to the query that includes the pricing parameter relating to the data segment such that the end user can verify pricing parameter before accessing the data segment, (Col. 23, lines 59-62, creation of a temporary price answer table, w/Col. 24, lines 43-46, the market researcher using the marketing research tool may display or download pricing information); and

managing distribution of quota provided to the end user based on information being provided and associated with the pricing parameter, wherein the quota reflects a currency for the end user to apply in accessing the data segment, w/col. 24, lines 5-11, using the query to retrieve stop limit orders for all requested securities, therefore, the system is managing the distribution by only retrieving requested information, where the stop limit order information represents the quota as described in Col. 23, lines 63-67,

and the quota is represented by the price being set to a price that a security must obtain before a trade order is filled in a stop limit order).

Specifically as per claim 22, Keiser et al disclose the following:

Software for managing network access, the software being embodied in a computer readable medium and comprising computer code, (Col. 8, lines 45-55, computer programs tangibly embodied in a computer readable medium comprising instructions, where the instructions which, when read and executed by the computer causes the computer to perform the steps necessary to execute the steps or elements of the present invention,]where the computer program represents the software and the instructions represent the code]).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keiser et al (US 6,505,174).

As per claim 7, Keiser et al does not specifically disclose wherein Content Services Gateway includes a known user table (KUT) operable store an internet protocol (IP) address associated with the end user, the KUT being further operable store information associated with first and second network nodes being used by the end user, but does disclose that data stored in tables can be displayed by a user via TCP/IP

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socket in a web client server environment in Col. 24, line 58-Col. 25, line 2, and also discloses that the user can select one or more security that he or she wishes to view/download statistics in col. 22, lines 1-5, thereby making it obvious to incorporate this Content Services Gateway related to first and second network nodes.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have a Content Services Gateway that includes a known user table (KUT) operable store an internet protocol (IP) address associated with the end user, the KUT being further operable store information associated with first and second network nodes being used by the end user with the motivation of allowing a user utilizing the internet to access information about one or more security statistic, to actually have this information sent directly to the location in which the user occupies on the network for presentation to the user.

As per claim 9, Keiser et al does not specifically disclose wherein the Content Services Gateway further comprises quota manager element operable receive identifiers associated with first and second network nodes and to notify the billing system element a change from the first network node to the second network node, but does disclose the identification of events in Col. 9, lines 1-4, and shows charges for queries performed, where different queries are performed for each security that is highlighted in col. 25, lines 3-11, where the user can select one or more security that he or she wishes to view/download statistics in col. 22, lines 1-5, thereby making it obvious to incorporate this Content Services Gateway related to first and second network nodes.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have a quota manager element operable to receive identifiers associated with first and second network nodes and to notify the billing system element a change from the first network node to the second network node with the motivation of allowing the system to recognize when a user selects more than one security for view/download of statistical information, and to recognize the difference in selection in order to charge an appropriate amount.

Response to Arguments

6. Examiner has made note of the formatting correction made by the applicant, and the Claim objection to claim 1 has been withdrawn by the examiner.

7. Applicant's arguments filed 2/7/06 have been fully considered but they are not persuasive.

As per amended claim 1, the applicant argues that Keiser fails to disclose any architecture in which there is a "content service gateway coupled to the billing system element and operable to communicate with the billing system element in order to *manage distribution of quota provided to the end user, wherein the quota reflects a currency for the end user to apply in accessing the data segment*". However, in col. 24, lines 5-11, Keiser discloses using the query to retrieve stop limit orders for all requested securities, therefore, the system is managing the distribution by only retrieving requested information, where the stop limit order information represents the quota as described in Col. 23, lines 63-67, and the quota is represented by the price being set to a price that a security must obtain before a trade order is filled in a stop limit order. In

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this case, Keiser describes an example where a trader will only buy a movie stock below \$30, and when the market research user directs the system to obtain stop limit order information for that movie, a query is performed to retrieve price per share and volume figures for all requested securities (including the movie), an answer table is created based on the query, *whether the limit for such orders were met or not*. In this case, if the limit for such an order is not met, then that trader will buy the movie if the answer table indicates that the price per share of the movie is below \$30. Therefore any cash balance that may be pending can be applied to access the security (data segment) if the limit for the order is not met.

As per claims 7 and 9, these claims depend from claim 1, and are therefore rejected for the same reasons as described above with respect to claim 1.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Friday 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7238 [After final communications, labeled "Box AF"], 703-746-7239 [Official Communications], and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



A. R. B.
April 20, 2006



THOMAS A. DIXON
PRIMARY EXAMINER